



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,228	03/18/2005	Yukio Yamaji	P70312US0	6232
136 7590 10/02/2008 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004				
EXAMINER				
MAKI, STEVEN D				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
10/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Attachment

new issues

In claim 19, the new issues include:

- (1) after "gypsum board liner" (line 4) inserting
--with stable density and pressure--;
- (2) before "mixer" (line 5) inserting --single--;
- (3) after "section" (line 9) inserting
--under pressure of the mixer, with stable density and pressure--;
- (4) after "slurry delivery conduit" (line 10) inserting
--having a stable slurry flow rate--
- (5) after "fractionating means provided on the mixer for" (line 11) inserting
--providing fluid communication between the slurry delivery conduit
and at least one of the chute section and the hollow connector section
for--; and
- (6) changing "fractionating the received gypsum slurry" (line 14) to
--for continuously fractionating the received gypsum slurry with stable
density and flow rate--.

The remaining changes do not raise new issues.

issue of new matter

In claim 19, the issue of new matter is: after "fractionating means provided on the mixer for " (line 11) inserting --providing fluid communication between the slurry delivery conduit and at least one of the chute section and the hollow connector section for--.

remarks

With respect to the 112 rejections, applicant argues that the claimed "fractionating means" (which is "provided on the mixer") is the slurry fractionation port. This argument is not persuasive since slurry fractionation port 33 is an opening in an chute section 5. Port 33 is not provided on mixer 4. The hollow connector section 50 is provided on the mixer 4. See figure 6.

Applicant argues that the present invention does not use the suction pressure of a pump to achieve fractionation. This argument is not commensurate in scope with the claims and is therefore not persuasive since none of the claims exclude use of a pump.

Applicant states: "Fractionation of the slurry is actually carried out by the suction pressure of the pump ("P) in Ainsley et al's and Bold's apparatus" (page 14 of after final filed 9-12-08, emphasis added). Examiner agrees with applicant that both Ainsley et al and Bold et al fractionate a slurry.

Applicant states (1) "In recent years, the setting or curing of gypsum slurry has been accelerated to speed up production by, e.g., the addition of a setting accelerator. Clogging or jamming of the pump is apt to result, owing to setting or curing of the gypsum slurry." (page 14 of after final filed 9-12-08) and (2) "... a pump cannot be used for fractionation in the production of gypsum boards ..." (page 16 of after final filed 9-12-08). In response, examiner notes that attorney argument cannot take the place of evidence in the record.

Applicant comments that the mixed condition of the fractionated slurry is the same as that of the main slurry. In response, examiner notes that the fractionation in Ainsley et al, Bold and Sucech et al results in two slurries having the same composition.

Applicant's remaining arguments are not persuasive since they relate to the above identified new issues. The advantages mentioned by applicant in the response filed 9-12-08 are not commensurate in scope with the claims, which fail to require the limitations described at the last nine lines on page 16 of the response filed 9-12-08.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven D. Maki/
Primary Examiner, Art Unit 1791

Steven D. Maki
September 27, 2008